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October 11, 2022

**VIA ECF**

Hon. Sarah L. Cave  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street, Room 1670  
New York, NY 10007

Re: *Flynn et al v. Cable News Network*, No. 1:21-cv-02587 (S.D.N.Y.) – Letter  
Motion to Seal Document

Dear Judge Cave:

We represent Defendant Cable News Network (“CNN”) in the above-referenced action. Pursuant to Rule I.F of this Court’s Individual Practices and this Court’s October 5, 2022 Order directing the parties to file CNN’s July 15, 2022 privilege log discussed in ECF No. 80 by October 13, 2022 (ECF No. 81), CNN submits this letter motion to request the Court’s permission to file its privilege log under seal.

The July 15, 2022 privilege log pertains to 90 documents that have all been designated by CNN as “Confidential” under the parties’ March 15, 2022 Confidentiality Stipulation and Protective Order (ECF No. 60), which allows counsel to designate “any document or information, in whole or in part, as confidential if counsel determines, in good faith, that such designation is necessary to protect the interests of the client in information that is proprietary, personal or otherwise sensitive non-public information, including but not limited to newsgathering materials.” The privilege log has been designated confidential. It reflects CNN’s confidential and privileged attorney-client and newsgathering materials and contains several employees’ work email addresses.<sup>1</sup>

District Courts in this Circuit routinely permit parties to file privilege logs under seal. *See, e.g., Broome v. Int’l Cruise & Excursions Gallery, Inc.*, No. 18CV4598DLICLP, 2021 WL 7208995, at \*5 (E.D.N.Y. Jan. 22, 2021); *Coan v. Dunne*, No. 3:15-cv-50, 2019 WL 1097491, at \*2 (D. Conn. Mar. 9, 2019); *Sec. & Exch. Comm’n v. McGinn*, No. 10-CV-457 (GLS/DRH), 2011

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<sup>1</sup> Although CNN did not include a “Confidential” stamp on the July 15, 2022 privilege log itself, it has designated the privilege log as “Confidential.” Pursuant to Paragraph 9 of the Parties’ Confidentiality Stipulation and Protective Order, if a party designates materials as “Confidential” at any point, “the document or information shall thenceforth be treated as Confidential or Highly Confidential Information subject to all the terms of this Stipulation and Order,” even if not so designated at the time of disclosure. *See* ECF No. 60.

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WL 13136028, at \*6 (N.D.N.Y. Jan. 5, 2011); *Curto v. Med. World Commc'ns, Inc.*, No. 03CV6327 DRH MLO, 2006 WL 1318387, at \*2 (E.D.N.Y. May 15, 2006); *Mac-Ray Corp. v. Ricotta*, No. 03-CV-524S(F), 2004 WL 1368857, at \*1 n.2 (W.D.N.Y. June 16, 2004).

For these reasons, CNN requests that the Court grant it permission to file its July 15, 2022 privilege log under seal.

We thank the Court for its consideration of this matter.

Respectfully submitted,

Davis Wright Tremaine LLP



Katherine M. Bolger